

SENATE BILL 3314

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 35, relative to criminal procedure and
sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-106, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 2. Tennessee Code Annotated, Section 40-35-107, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 3. Tennessee Code Annotated, Section 40-35-108, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 4. Tennessee Code Annotated, Section 40-35-207, is amended by deleting subdivision (a)(4) and substituting instead the following:

(4) The defendant's record of prior convictions, including any juvenile court findings or adjudications that the defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult;

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to all defendants committing offenses on or after such date.